

FILED 07 AUG 21 08:16 USC-DRP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DONALD ERNEST ALLEE

06-CV-187-JE

Plaintiff,

ORDER

v.

OREGON DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

DONALD ERNEST ALLEE

SID #11357146

Snake River Correctional Institution

777 Stanton Boulevard

Ontario, OR 97914-8335

Plaintiff, *Pro Se*

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Attorneys for Defendants

BROWN, Judge.

Magistrate Judge John Jelderks issued Findings and Recommendation (#77) on May 31, 2007, in which he recommended the Court grant Defendants' Motion for Summary Judgment (#67). Plaintiff filed timely objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). See also *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988); *McDonnell Douglas Corp. v. Commodore Business Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert. denied*, 455 U.S. 920 (1982).

This Court has carefully considered Plaintiff's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. This Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

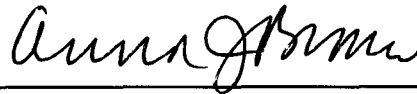
CONCLUSION

The Court **ADOPTS** Magistrate Judge Jelderks's Findings and Recommendation (#77) and, accordingly, **GRANTS** Defendants' Motion

for Summary Judgment (#67).

IT IS SO ORDERED.

DATED this 20th day of August, 2007.

A handwritten signature in black ink, appearing to read "Anna J. Brown", written over a horizontal line.

ANNA J. BROWN
United States District Judge